

1 S T A T E M E N T

US EPA RECORDS CENTER REGION 5



2 O F

3 WILLIAM RIEGER

4
5 IN RE: In the Matter of the Albion-Sheridan Township
6 Landfill Site

7 BY: MR. KURT N. LINDLAND
8 77 West Jackson Blvd.
9 Chicago, Illinois 60604, appearing on behalf
10 of the U.S. Environmental Protection Agency.

11 MR. CHARLES M. DENTON
12 171 Monroe Avenue, N.W., Suite 800
13 Grand Rapids, Michigan 49503, appearing on
14 behalf of the Deponent, William Rieger.

15 REPORTED BY: ACRO COURT REPORTERS, INC.
16 (Toni L. VanSyckle, Reporter)

17 At Albion City Hall, 112 Case Street, Albion,
18 Michigan, on Thursday, June 4, 1992 commencing at or about
19 the hour of 10:07 a.m.

C O N T E N T S

<u>WITNESS</u>	<u>PAGE</u>
WILLIAM RIEGER	
Examination by Mr. Lindland.	3
Examination by Mr. Denton.	55
Re-Examination by Mr. Lindland	60

E X H I B I T S

Deposition Exhibit Number 1.	3
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1 (Deposition Exhibit Number 1 marked for
2 identification)

3 W I L L I A M R I E G E R,

4 having been first duly sworn, was examined and testified
5 under oath as follows:

6 EXAMINATION BY MR. LINDLAND:

7 Q. Will you please state your name for the record?

8 A. William Rieger.

9 MR. LINDLAND: Mr. Rieger, my name is Kurt
10 Lindland. As I indicated earlier. I'm an attorney
11 with the United States Environmental Protection Agency.

12 We're here today for the purpose of determining
13 liability, in other words, collecting information with
14 respect to the Albion-Sheridan Township Landfill Site.

15 Are you familiar with the oath you just took?

16 THE WITNESS: Yes.

17 MR. LINDLAND: You recognize that oath as being
18 binding on you today here as it would be in a court of
19 law?

20 THE WITNESS: Yes.

21 MR. LINDLAND: If there's a question that I ask
22 that you don't understand, just say, "I don't
23 understand it". I can rephrase it.

24 If you need to leave for any reason, let me know,
25 we can arrange to do that.

1 Depending on how long this deposition goes, I
2 usually break about every hour or so. So I hope that
3 works for you.

4 Q. (BY MR. LINDLAND) Would you state, in summary fashion,
5 please, your educational background beginning with high
6 school?

7 A. Well, I graduated from Albion College, graduated in
8 1948 and then went down to University of Michigan,
9 School of Engineering. Graduated in February of 1953.
10 I have a degree in civil engineering.

11 Q. Okay. Beginning with your degree at Albion College,
12 did you graduate from Albion?

13 A. No, I went to University of Michigan.

14 Q. Okay, you mentioned in 1958 Albion College?

15 A. Albion High School.

16 Q. Albion High School, okay.

17 Q. You graduated from the University of Michigan?

18 A. Yes.

19 Q. In civil engineering?

20 A. Yes.

21 Q. Did you have any classes related to environmental
22 management?

23 A. No.

24 Q. Not at that time.

25 Were there any classes offered at the University

1 of Michigan at that time?

2 A. I don't know.

3 Q. Did you do any postgraduate work?

4 A. No.

5 Q. Any informal education such as seminars, training?

6 A. No.

7 Q. Okay. Did there come a time when you began employment?

8 A. When did I start employment?

9 Q. Stated another way, yes, when did you start your
10 employment?

11 A. After I graduated, I spent some time in the Air Force,
12 like six months during the Korean War. And after the
13 war ended, like September of '53, I came and worked for
14 my dad who was city engineer of Albion. And I've had
15 several jobs since then.

16 Q. Okay. First, with respect to your time that you spent
17 in the army, what exactly did you do in the army, what
18 was your title?

19 A. Well, I was a commission second lieutenant. I was
20 supposed to be a ground radar officer. But before I
21 finished school, the war was ended so they kicked us
22 out.

23 Q. Okay, and that was in 1953 you said?

24 A. Yes.

25 Q. You spent six months?

1 A. Yes.

2 Q. When you first came to the city, when you say that you
3 were working for your dad, were you working for your
4 dad or for the city?

5 A. City.

6 Q. Okay. What was your first job title?

7 A. Assistant city engineer.

8 Q. Will you briefly describe your responsibilities as the
9 assistant?

10 A. Well, at that time, the city was real busy developing
11 some subdivisions. We had three different subdivisions
12 going, so I was responsible for putting in streets,
13 curb and guard, pavements, sewer and water lines and
14 one large project was to construct an interceptor sewer
15 across the city. I was -- I was with the city for
16 about two and a half years at that time.

17 Q. You worked for the city for two and a half years as the
18 assistant?

19 A. Yes, I left in 1956.

20 Q. Why did you leave in 1956?

21 A. Just to get more experience, more of a variety of
22 experience.

23 Q. Okay, where did you go?

24 A. I worked on a power plant construction project in Bay
25 City as a construction engineer.

1 Q. For the City of Bay City?

2 A. No, just for -- the contractor was Townsend and Botmm,
3 and they were constructing the plant for Consumer Power
4 Company.

5 Q. And what specifically were your responsibilities on
6 that project?

7 A. Just construction engineer, lay out an inspection of
8 the power plant.

9 Q. Were you the lead engineer?

10 A. Pardon?

11 Q. Were you the lead engineer?

12 A. No, I wasn't.

13 Q. And how long were you there?

14 A. About two and a half years.

15 Q. So roughly 1959?

16 A. (Witness nodding head.)

17 Q. And where did you go then?

18 A. Well, there was an opening of city engineer and city
19 manager in the City of Springfield, Michigan, which is
20 adjacent to the City of Battle Creek.

21 Q. Why did you, if we can just go back for a moment, why
22 did you leave the construction plant project in 1959?

23 A. Well, the work was kind of repetitious: you went out to
24 the same site everyday and kind of did the same work
25 everyday. And I wouldn't say it got boring, but you

1 did the same thing everyday.

2 Q. So you resigned?

3 A. Yeah. I was contacted by a local attorney who
4 represented the City of Springfield and he knew I was
5 interested in city type engineering, so he contacted me
6 and informed me of this opening at the City of
7 Springfield and asked if I would be interested, and so
8 I took the job.

9 Q. And what was the job title there?

10 A. City manager slash city engineer, I guess.

11 Q. How big was the town or City of Springfield at the time
12 you were city manager, roughly the population?

13 A. Four or five thousand.

14 Q. Could you briefly describe your responsibilities as
15 city manager?

16 A. As city manager, you're chief executive officer of the
17 city so anything relating to running the city, budget
18 preparation and so forth. But I was a trained engineer
19 so I did an awful lot of engineering work, the actual
20 drawing of projects and laying them out and so forth.
21 So I had both titles.

22 Q. Okay. Did you do -- did some of your job
23 responsibilities require you to make decisions with
24 respect to contracting for waste disposal?

25 A. No.

1 Q. Okay, how long were you at the City of Springfield?

2 A. Till, I guess, 1960.

3 Q. And why did you leave the City of Springfield?

4 A. Well, they had an election and they voted to add extra
5 annex or to consolidate with the City of Battle Creek.

6 Q. Did the City of Battle Creek decide to annex
7 Springfield or --

8 A. Both cities voted, both cities agreed to it. Except
9 there was a legal question whether one city should
10 annex to another so it went to the courts. And during
11 the time -- during that time, I worked for the City of
12 Battle Creek like six months. Then after that, the
13 courts threw it out, so City of Springfield became a
14 city again. But I didn't go back to the City of
15 Springfield.

16 Q. So for a period of six months, roughly mid 1959 to
17 1960, you worked for the City of Battle Creek?

18 A. Yes, I'd say six months during 1960.

19 Q. Six months during 1960.

20 And what was your job responsibility there?

21 A. Just one of their engineers on their engineering staff.
22 I had no title.

23 Q. Could you describe some of the major projects you
24 worked on in the -- as city engineer?

25 A. I don't recall.

1 Q. How long were you with the City of Battle Creek?

2 A. Six months.

3 Q. And why did you leave there?

4 A. The opening in the City of Albion opened up, the
5 position in the City of Albion opened up so I applied
6 for it. And I started here in January of 1961.

7 Q. And what was your title in 1961 with the City of
8 Albion?

9 A. Director of public works and city engineer, which is my
10 present title.

11 Q. Could you briefly describe your responsibilities as the
12 director of public works and city engineer in 1961?

13 A. Well, more or less in charge of all outside activities,
14 I'm over at the parks and cemetery, water and sewer and
15 streets and waste water.

16 Q. When you say outside activities, you mean --

17 A. Public works activities.

18 Q. Okay.

19 A. Which are mostly outside. Plus, I was also city
20 engineer, so I was responsible for all the engineering
21 work.

22 At that time, I didn't have an assistant so I did
23 an awful lot of engineering work: street design, sewer
24 design, water design.

25 Q. Did you help design the waste water treatment plant?

1 A. No, that was done by a consulting firm.

2 Q. Okay, could you list and describe a couple of the major
3 projects you worked on in 1961 when you started here?

4 A. Not really, typical street projects, curb and gutter,
5 and pavement, and storm sewers, and items like that.

6 Q. Was the management or -- yeah, the management of waste
7 disposal part of your responsibility in 1961?

8 A. It was part of my responsibility except the city wasn't
9 too involved in it. We did have a disposal site, dump
10 site.

11 Q. Okay. We'll come back to some questions about that a
12 little later.

13 Did your job responsibilities change at all while
14 you were --

15 A. No.

16 Q. -- the director of public works?

17 A. No.

18 Q. So your responsibilities today as director of public
19 works are basically the same as they were in 1961?

20 A. Yes. I might add I became a professional engineer,
21 must have been maybe 1958 or something like that.

22 Q. Did you take any courses or classes to, I take it, get
23 your certification?

24 A. I had to pass the state exam.

25 Q. The standard state exam for a professional engineer?

1 A. Yes.

2 Q. Were there any other qualifications such as
3 professional engineer that you became certified as --

4 A. Well, to become registered it takes two parts, two
5 exams: one is a technical part and you take that when
6 you get out of college; and after that, you have to
7 have four years of experience under a professional
8 engineer.

9 Q. Okay, that's --

10 A. After four years, you take the second part.

11 Q. That's for the professional engineer certification?

12 A. Right.

13 Q. Are there any other certifications?

14 A. That I have?

15 Q. Right.

16 A. No.

17 Q. Have you ever conducted any seminars?

18 A. No.

19 Q. Gave any presentations?

20 A. No.

21 Q. Have you ever been deposed before?

22 A. Been where?

23 Q. Have you been -- have you sat down in a similar
24 situation as we are today, this is called a deposition?

25 A. Yeah.

1 Q. Have you been deposed?

2 A. Have I given a deposition before?

3 Q. On some other occasion?

4 A. Yes.

5 Q. What year was that?

6 A. I don't recall. I testified before EPA on this same
7 subject.

8 Q. Okay, was there a court reporter?

9 A. I don't recall.

10 MR. DENTON: Do you want some help?

11 MR. LINDLAND: I guess the question is --

12 THE WITNESS: A couple years ago, I don't know, I
13 don't recall the date.

14 Q. (BY MR. LINDLAND) That was 1990?

15 A. I don't recall the date.

16 Q. Okay. And that was for this matter?

17 A. Yes.

18 Q. And that is what?

19 A. Concerning the operation of the Stevick landfill.

20 Q. Could you spell Stevick?

21 A. S-T-E-V-I-C-K, I think it is, located in Sheridan
22 Township.

23 Q. Do you remember the attorney's name --

24 A. No.

25 Q. -- that took that deposition?

1 A. No.

2 MR. DENTON: Let's go off the record for a minute.

3 (Off-the-record discussion)

4 Q. (BY MR. LINDLAND) Okay, so there was no court reporter
5 during that discussion that you had with an EPA
6 employee; is that correct?

7 A. I don't recall.

8 Q. Have you ever been deposed on another occasion,
9 assuming that was a deposition?

10 A. No.

11 Q. Have you ever testified at trial?

12 A. A trial?

13 Q. (Nodding head.)

14 A. No.

15 Q. Did you speak with anyone about this deposition prior
16 today?

17 A. Today's deposition?

18 Q. Right, prior to coming here today?

19 A. With our attorney.

20 Q. Okay.

21 A. Just for a couple minutes.

22 Q. Were any records generated as a result of that
23 discussion?

24 A. No.

25 Q. Have you spoken to anyone recently about the

1 Albion-Sheridan Township Landfill?

2 A. No.

3 Q. Did you bring any records with you today?

4 A. No.

5 MR. DENTON: Just for the record, the city
6 responded to a 104(E) information request from USEPA to
7 produce records that were not privileged and were
8 relevant to the information request.

9 MR. LINDLAND: The city has a continuing
10 obligation to respond to that one request, that's why
11 I'm asking these questions with respect to any new
12 records.

13 MR. DENTON: That's fine, I just wanted to make it
14 clear that we've responded, the city has responded to
15 the USEPA's 104(E) information request and has produced
16 the documents that are relevant to that request.

17 Q. (BY MR. LINDLAND) Did you review any documents for
18 preparation of this deposition?

19 A. Yes.

20 Q. What documents are those?

21 A. The contract between the City of Albion and Mr.
22 Stevick.

23 Q. Is that the only record?

24 A. Yes.

25 Q. Is that the same contract that was produced to USEPA in

1 response to our 104(E) information request?

2 A. I assume it is.

3 Q. I'd like to go back to your -- to 1961 when you began
4 working for the city as the director of public works.

5 You indicated that management of waste disposal
6 was part of your responsibilities but that the city
7 didn't have anything to do with that; is that correct?

8 A. No, I said we operated a landfill site.

9 Q. Okay, and where was that landfill?

10 A. What is known now as MacIntosh Park, it's at the
11 northwest part of the city.

12 Q. Okay, on what street is that landfill located?

13 A. Dean Drive, State Street. It's now a city park.

14 Q. And how long did the city operate that landfill?

15 A. Five or six years.

16 Q. So roughly 1967, 1966?

17 A. Yes.

18 Q. What did the city do with its waste disposal needs
19 after 1966 or after that landfill had closed?

20 A. Well, the Stevick landfill site was started up at the
21 same time we closed the other one.

22 Q. And for the record, the Stevick landfill is the
23 landfill that we're here talking about today?

24 A. Yes, uh-huh.

25 Q. Were your job responsibilities -- strike that.

1 Did management of waste disposal fall within your
2 job responsibilities in 1966?

3 A. Yes.

4 Q. And if you could briefly outline for me how the city
5 dealt with waste disposal, that is how you contracted,
6 beginning with, I guess, who was involved with that
7 beginning with 1966?

8 A. City wide the method used then is about the same as it
9 is now: the city does not pick up garbage or refuse,
10 it's a contract between private haulers and land owners
11 or private homeowners. So the only refuse that we
12 would be concerned with is from our trash containers
13 downtown or in the parks. Then you have an annual
14 cleaning up day or week where we dispose of that waste.

15 Other than that, the city wasn't involved in any
16 waste management or disposal.

17 Q. In 1966 who was responsible at the city, and by
18 responsible meaning directly responsible, for
19 contracting with outside contractors for waste
20 disposal?

21 A. We didn't have any contracts except with Mr. Stevick.

22 Q. Who would pick up the waste material?

23 A. Public works employees.

24 MR. DENTON: Which waste material?

25 THE WITNESS: From the parks, from city facilities

1 I mean.

2 MR. LINDLAND: I'm talking about household waste.

3 THE WITNESS: That was a contract between the
4 private haulers and the homeowner.

5 MR. LINDLAND: Okay.

6 THE WITNESS: So the city was not involved in
7 that.

8 Q. (BY MR. LINDLAND) Okay, so there was no contract
9 between the city and a private hauler to pick up the
10 city -- meaning the population of --

11 A. That's true.

12 Q. With respect to waste generated by the city as a
13 municipality, you mentioned that the city contracted
14 with Stevick; is that correct?

15 A. The actual disposal of it; picking the material up was
16 done by public works employees and he took it over to
17 his landfill site.

18 Q. And by public works employees you mean --

19 A. City employees.

20 Q. Okay. What type of truck did they use?

21 A. Just a dump truck.

22 Q. To pick up that material?

23 A. Dump truck or pick-up truck.

24 Q. Did you, yourself, ever go out with the city employees
25 to the dump?

1 A. Sure.

2 Q. Do you remember whether there were any 55 gallon drums
3 in any of the trucks?

4 A. No.

5 Q. You don't remember or --

6 A. Well, I don't remember, I don't think there was.

7 Q. Okay. What type of material was transported from the
8 city, that is the municipality of the city to the
9 Stevick landfill by the city?

10 A. Material picked up at city facilities including parks,
11 the street department building, like waste paper and
12 items like that.

13 Q. Did any of that material include liquids?

14 A. I don't believe so. I didn't inspect everything that
15 went out there. Then like I say, we had this annual
16 clean up day or week which is a city wide program.

17 Q. What exactly was the annual clean up?

18 A. We provided service to our citizens where we allow them
19 to bring their waste out to the curb, then they had
20 rules which they had to follow, then the city trucks
21 went out around and picked this material up and took it
22 to the landfill site.

23 Q. Who was responsible for that pick up in 1966?

24 A. I was.

25 Q. Okay. Do you know or can you remember any of the

1 employee's names who drove those trucks in 1966?

2 A. Not really, I would have to check the records to verify
3 that.

4 MR. LINDLAND: Okay. If those records are not
5 responsive to the government pending 104(E) request,
6 I'd like to request those documents.

7 MR. DENTON: Request is noted.

8 Q. (BY MR. LINDLAND) Do you remember the employee's names
9 who were involved with that pick up subsequent to 1966?

10 A. Well, Whitey Hull, and he was -- I guess you can talk
11 to him. Chuck Charamela, and he was street
12 superintendent at that time.

13 Q. In 1966?

14 A. Or in the seventies, yeah.

15 Q. Do you know if he's in the Albion area?

16 A. I don't believe he is.

17 Q. He's not. Do you know where he is?

18 A. No.

19 Q. Can you think of any other employees?

20 A. George Shaw.

21 Q. Shaw?

22 A. S-H-A-W.

23 Q. And what was George Shaw's position?

24 A. Mechanic. Ralph Pollman.

25 Q. Coleman?

- 1 A. Pollman, P-O-L-L.
- 2 Q. And what was Ralph Pollman's position?
- 3 A. Equipment operator.
- 4 Q. Are either George Shaw or Ralph Pollman in the Albion
- 5 area that you know of?
- 6 A. They both are, yes. I think Mr. Pollman's in a nursing
- 7 home.
- 8 Q. And both of those individuals drove a truck during this
- 9 waste --
- 10 A. They helped with the program, yeah.
- 11 Q. This program was -- that was once a year?
- 12 A. Yes.
- 13 Q. Was it always the same time every year?
- 14 A. More or less, spring. It took several days.
- 15 Q. And this was just city facilities that were --
- 16 A. City wide pick up. So each homeowner had the right to
- 17 bring their material out to the curb.
- 18 Q. Oh, I see, okay.
- 19 A. And they had rules which they had to follow.
- 20 Q. What were the rules?
- 21 A. No garbage, no hazardous materials, no large items that
- 22 we could not load onto the trucks and no large limbs
- 23 which would be hard to load on the trucks, and that's
- 24 about it.
- 25 Q. Do you know, beginning in 1966, do you know whether

1 that pick up included any industries in Albion?

2 A. It did not, strictly residential.

3 Q. Did it include any industries after 1966?

4 A. No.

5 Q. So as a part of that pick up, the city never picked up
6 any material at any industry?

7 A. That's right.

8 Q. Did the city ever pick up any material at any industry
9 other than that clean up day?

10 A. No.

11 Q. Or period?

12 A. No.

13 Q. You mentioned that there was no -- there was no
14 hazardous waste that was picked up during that program;
15 is that correct?

16 A. That was one of the rules.

17 Q. Okay.

18 A. We didn't inspect.

19 The city didn't pick or inspect everything that
20 was put out to the curb, so it's possible.

21 MR. LINDLAND: If we could go off the record for a
22 minute.

23 (Off-the-record discussion)

24 Q. (BY MR. LINDLAND) I'm handing you what's been marked
25 as Exhibit Number 1.

1 Could you please review that document.

2 A. Do you want me to read the whole thing?

3 Q. Briefly just look at it.

4 A. (Witness doing so.)

5 Q. Do you recognize this document?

6 A. I don't recall it, no.

7 Q. Turning your attention to the last page.

8 A. Yeah.

9 Q. Do you recognize the signature?

10 A. That's my signature.

11 Q. That is your signature?

12 A. Yep.

13 Q. Do you remember gathering the information responsive to
14 this document?

15 A. No doubt I did.

16 Q. But you don't specifically remember gathering the
17 information that's in this document?

18 A. Not without reading it, reviewing it.

19 Q. Do you remember being asked either by your counsel or
20 by somebody at the city to generate this document?

21 A. Yes.

22 Q. And at whose request did you do that?

23 A. I imagine city clerk or city attorney.

24 Q. Okay. Turning your attention to what's been marked or
25 labeled as page four, at the upper left-hand corner

1 where it says Miss Nancy Justus?

2 A. Okay, all right.

3 Q. In the answer to number ten on that page about halfway
4 down, I'd like you to turn your attention to the
5 sentence beginning with "we don't believe", could you
6 read that sentence, please?

7 A. (Witness doing so.) Yes.

8 Q. Do you remember making that statement in this document?

9 A. Sure, that's what I said today even.

10 Q. Okay, what in that sentence -- you say that if any
11 hazardous waste was sent to the landfill, it would be
12 very minimal. What did you mean by very minimal?

13 A. Maybe picking up paint cans which we consider hazardous
14 material.

15 Q. Do you remember whether any paint cans were picked up?

16 A. Not really. No doubt they were. I mean people have to
17 get rid of their paint cans someway, so chances are
18 they put them out to the curbs.

19 Q. Do you remember whether when you wrote that sentence
20 whether that applied to waste generated by the city as
21 a municipality?

22 A. No, this referred to the city wide pick up program.

23 Q. Do you remember seeing anything other than paint cans
24 that would lead you to make this statement regarding --

25 MR. DENTON: Objection, he did not say that he saw

1 any paint cans. Again, the statement is: we don't
2 believe we hauled any hazardous waste to the landfill
3 site. It's speculating there may have been paint cans.

4 MR. LINDLAND: Right, the question is --

5 MR. DENTON: Object to the question.

6 MR. LINDLAND: Okay. I'll rephrase it.

7 Q. (BY MR. LINDLAND) Do you understand the question?

8 A. Yes. Personally I haven't seen any hazardous material
9 hauled to the landfill.

10 Q. Okay.

11 A. Because I'm not out there picking up the material.

12 Q. Do you know whether any liquids were hauled to the
13 landfill?

14 A. I'm not aware of any.

15 Q. Do you remember anybody discussing with you whether the
16 city picked up any liquids?

17 A. No.

18 Q. Do you remember any discussions at all with respect to
19 the pick up with any of the employees that were
20 actually doing the pick up?

21 A. No.

22 Q. Who was your supervisor in 1966 when you were the
23 director of public works and city engineer?

24 A. City manager.

25 Q. And what was his name?

- 1 A. I believe Al Glassford.
- 2 Q. Pardon me?
- 3 A. Al Glassford.
- 4 Q. How many employees did you have working for you while
- 5 you were the director of public works?
- 6 A. 35.
- 7 Q. And that's in 1966?
- 8 A. (Witness nodding head.)
- 9 Q. Did the number of employees ever change between 1966
- 10 and today?
- 11 A. They have decreased about 30 now, I believe.
- 12 Q. Did your supervisor ever change since 1966?
- 13 A. Yes.
- 14 Q. And --
- 15 A. My supervisor?
- 16 Q. Right, your supervisor.
- 17 A. Yes.
- 18 Q. Who was the second supervisor that you had since 1966?
- 19 A. We've had several.
- 20 Q. Can you remember their names?
- 21 A. Neal Godby, G-O-D-B-Y, I guess.
- 22 Q. And what year was he?
- 23 A. I don't recall.
- 24 Q. Roughly mid sixties, late sixties?
- 25 A. (Witness nodding head.) I don't recall the dates, I'd

1 have to look them up.

2 Q. Okay.

3 A. Lee Davis.

4 Q. Do you remember what year he became --

5 A. No. George Kolb.

6 Q. Do you remember what year Mr. Kolb was your supervisor?

7 A. He was the latest one.

8 Q. Okay, do you remember roughly when he began his job as
9 supervisor?

10 A. Maybe eight years ago.

11 Q. And is he the current supervisor?

12 A. No, Ralph Lang is the present one, but he's been here
13 about two or three years.

14 Q. Was there a supervisor in between Ralph Lang and Mr.
15 Kolb?

16 A. No. Well, I was. In the absence of the city manager
17 or during the time they're looking for another one they
18 have to appoint an acting city manager, so I've been
19 appointed from time to time.

20 Q. Okay, so between the periods when they would hire a new
21 city manager, you would act as the city manager?

22 A. One of them. They don't always pick the same person.

23 Q. Okay.

24 A. I mean Jerry Baker, he was the police chief and he was
25 appointed acting manager at one time.

1 Q. Okay. If you could briefly describe the city
2 management structure, I think you have already a little
3 bit. Who's -- obviously the Mayor's on the top, right?

4 A. Mayor counsel.

5 Q. Okay.

6 A. They hire the city manager.

7 Q. Okay, and there's one city manager?

8 A. Yes.

9 Q. And --

10 A. But he appoints the department heads.

11 Q. How many department heads are there?

12 A. I could list them, maybe five or six, I guess. There's
13 a police chief, public safety director who's over the
14 fire and police, then myself, then there's planning and
15 community development director, the city assessor is
16 appointed by counsel, the city attorney is appointed by
17 counsel. That's about it. So I'm the city manager,
18 and I have superintendents under me.

19 Q. How many superintendents do you have?

20 A. Three.

21 Q. And what are their titles?

22 A. Superintendent of park, cemetery and forestry;
23 superintendent of streets and equipment fund; and
24 superintendent of public utilities.

25 Q. Is the superintendent of sanitary and forestry, is that

1 what you said?

2 A. No.

3 Q. I'm sorry.

4 A. Park, cemetery and forestry.

5 Q. Cemetery, okay. Under which superintendent falls the
6 responsibilities of waste disposal?

7 A. Mostly street superintendent.

8 Q. And --

9 A. As far as picking up trash.

10 Q. What is that individual's name today?

11 A. Joe Domingo.

12 Q. And how long has Joe been --

13 A. About a year.

14 Q. Who's the superintendent of streets and sanitation
15 before Joe Domingo?

16 A. Don Hull.

17 Q. And how long was Mr. Hull superintendent of --

18 A. Ten years.

19 Q. So roughly 1980 to 1990?

20 A. Yes.

21 Q. And who was the superintendent of streets and
22 sanitation prior to Don Hull?

23 A. Charles Charamela.

24 Q. And when did Mr. Charamela -- when was he hired as a
25 superintendent of streets and sanitation?

- 1 A. Mid sixties to when Mr. Hull started.
- 2 Q. I believe I asked you this already, but you don't know
3 whether Mr. Charamela is in the Albion community?
- 4 A. I don't believe he is.
- 5 Q. What leads you to believe that he's not?
- 6 A. We haven't seen him around.
- 7 Q. Okay.
- 8 A. He went to another city from here. I think it was
9 Three Rivers.
- 10 Q. That's in Michigan?
- 11 A. Yeah, but I think he had problems there and he went
12 someplace else.
- 13 Q. Why did he leave the City of Albion?
- 14 A. We had a few problems with him, personal problems.
- 15 Q. Were any of those problems related to his job
16 responsibility with respect to waste disposal?
- 17 A. No.
- 18 Q. You referred to a contract earlier that you reviewed
19 regarding the Stevick landfill and the city. Who
20 drafted that contract?
- 21 A. City manager.
- 22 Q. And that was in 1966?
- 23 A. Yes.
- 24 Q. When you started your job here in 1966, was that
25 contract already drafted and in place?

- 1 A. No.
- 2 Q. Do you remember specifically the date that contract was
3 drafted?
- 4 A. No, I don't.
- 5 Q. Okay.
- 6 A. When I was here, they didn't have a city manager when I
7 first started.
- 8 Q. Okay. Do you remember whether anybody else was
9 involved with drafting that document?
- 10 A. Not really. I imagine it was reviewed by the city
11 attorney and it was approved by city council.
- 12 Q. Was Mr. Stevick involved with drafting that document at
13 all?
- 14 A. He had to approve it.
- 15 Q. Do you remember whether he was represented by an
16 attorney?
- 17 A. I don't recall, I don't believe so.
- 18 Q. Does the city have any records with respect to the
19 local disposal firms or companies that used the
20 Albion-Sheridan Landfill?
- 21 A. No.
- 22 Q. Do you have any personal knowledge of any of the
23 disposal companies that used the Albion-Sheridan
24 Township Landfill between 1966 and 1978?
- 25 A. I recall a few of them.

- 1 Q. Which one's do you recall?
- 2 A. McGraw Edison, Decker and Hutt.
- 3 Q. I'm asking for the disposal companies.
- 4 A. Disposal companies, oh.
- 5 Q. The contractors, I guess.
- 6 A. Albion Sanitary Service.
- 7 Q. Do you remember who operated the Albion Sanitary
- 8 Service?
- 9 A. Mr. Sheffield.
- 10 Q. Is that Robert Sheffield?
- 11 A. I don't know Mr. Sheffield.
- 12 Q. Do you know whether Mr. Sheffield picked up material at
- 13 any industries in the Albion-Sheridan area?
- 14 A. I don't know.
- 15 Q. Do you know --
- 16 A. Mostly residential, but he may have had some
- 17 residential customers.
- 18 Q. What leads you to believe that he may have had
- 19 industrial customers?
- 20 A. I say he may have had, I don't know whether he did or
- 21 not.
- 22 Q. Do you remember talking with anyone about Albion
- 23 Sanitary Service picking up material at --
- 24 A. No.
- 25 Q. You mentioned there were a few other disposal

1 contractors?

2 A. No, I was referring to waste from the local industries.
3 They weren't private contractors.

4 Q. Okay, do you remember any other contractors that
5 disposed of waste at the Albion-Sheridan Township
6 Landfill between 1966 and 1978?

7 A. No.

8 Q. Do you know whether -- strike that.

9 Do you know any other policies of the city that
10 would have knowledge of contractors that used the
11 landfill during 1966 and 1978?

12 A. I don't know. No, I don't.

13 Q. Does the city have any special -- like a special permit
14 process or procedure by which they grant permits for
15 use of city streets for special reasons, for example,
16 parades or any kind of --

17 A. Yeah, for parades and things. They have to get a
18 permit from the city council to have a parade where we
19 have to close the street or something.

20 Q. Does the city keep records of those events?

21 A. I would think so.

22 Q. Do you know who would be in charge of those records?

23 A. City clerk. We have city council minutes, I would
24 think they'd be in the city council minutes.

25 Q. The city council list?

1 A. Minutes, minutes of the meetings.

2 Q. Do you recall any permits that were issued regarding
3 transportation of waste material on city streets for
4 any special reason?

5 A. No, no permits were issued for that.

6 Q. From 1966 to 1978?

7 A. (Witness shaking head.)

8 Q. Can you think of any other permitting process that the
9 city has similar to this kind of special use permit
10 that whereby the city would issue a permit for
11 transporting waste material through the city streets?

12 A. No, the haulers are registered.

13 Q. Registered with the city?

14 A. Yes, certified or whatever because they have to be
15 insured and all this but not for permission to use the
16 streets.

17 Q. Who would be responsible for those records with respect
18 to certifying for insurance purposes?

19 A. The city clerk's office.

20 Q. Do you remember seeing any of those registration
21 records?

22 A. No.

23 Q. Were those records kept in 1966?

24 A. I don't recall.

25 Q. Do you know whether they were kept after 1966?

1 A. We still have that same requirement, so I imagine there
2 should be some on file for recent years.

3 Q. Do you know how recent?

4 A. This year, last year.

5 Q. Do you know whether those records are here at the city
6 regarding 1966 to 1978?

7 A. I wouldn't know.

8 Q. And, again, the city clerk would have that information?

9 A. Yes, if it's available.

10 Q. What do you mean if it's available, if the city has it?

11 A. If the files are available, he would be the one to have
12 them.

13 Q. Okay. Does the city normally keep records that date
14 back to 1966?

15 A. I don't know.

16 Q. I asked you earlier if you remembered the names of any
17 contractors that used the Albion-Sheridan Township
18 Landfill and you started to list, I believe, some of
19 the industries in the area.

20 The first one you mentioned was McGraw Edison?

21 A. Yes.

22 Q. Do you know what the nature of McGraw Edison's business
23 was in 1966?

24 A. They manufactured air conditions, humidifiers.

25 Q. Did you ever visit the McGraw Edison Facility?

1 A. I've been there, I didn't examine or go up there to
2 check the process or anything, just walking through the
3 plant.

4 Q. When were you there?

5 A. I don't know.

6 Q. Roughly, approximately 1960's, '70's, '80's?

7 A. Probably.

8 Q. Do you know how they disposed of their waste material?

9 A. Not really. They have a problem with the DNR with the
10 way they disposed of some of the waste. They have a
11 clean up project going on right now.

12 Q. Do you know what problem that is?

13 A. They disposed of the TCE onto the ground.

14 Q. And where?

15 A. To control dust.

16 Q. Where did they do this?

17 A. At the plant.

18 Q. At the McGraw Edison plant here in Albion?

19 A. Yes, so they have a clean up project going on now,
20 extensive one.

21 Q. Do you know when they disposed of the TCE on the
22 ground?

23 A. Over a number of years.

24 Q. Beginning approximately?

25 A. I don't know, it's an ongoing thing with them, I guess.

1 Of course, they've been bought out by Cooper Industry;
2 now that part of the plant's been demolished. McGraw
3 Edison doesn't exist anymore, here.

4 Q. Have you visited that facility since Cooper Industries
5 has taken it over?

6 A. Yes.

7 Q. Approximately when did you visit that facility, do you
8 know?

9 A. Three, four years ago.

10 Q. Do you know what kind of truck they used to dispose of
11 their waste material, beginning in 1966?

12 A. A large dump truck.

13 Q. A large dump truck?

14 A. Yes.

15 Q. Do you know what kind of containers they disposed of
16 their material in?

17 A. No.

18 Q. Do you ever remember seeing a McGraw Edison truck out
19 at the landfill?

20 A. Yes.

21 Q. Do you remember what kind of material was in that
22 truck?

23 A. No, I never inspected waste from any facility.

24 Q. Has any city employee ever inspected waste from an
25 industry in Albion?

- 1 A. No, no. That wasn't our job to.
- 2 Q. Excuse me?
- 3 A. That wasn't our job to inspect the waste.
- 4 Q. Whose job was it?
- 5 A. The operator of the landfill.
- 6 Q. That would be Mr. Stevick?
- 7 A. Or his employee, I guess.
- 8 Q. Do you know whether there was any chemical analysis
- 9 done on the material that was sent from McGraw Edison
- 10 to the Albion-Sheridan Township Landfill?
- 11 A. I don't know.
- 12 Q. Do you ever remember seeing any drums of material out
- 13 at the landfill, not necessarily from McGraw Edison but
- 14 generally?
- 15 A. Yes.
- 16 Q. Do you know where those drums came from?
- 17 A. No.
- 18 Q. Do you ever remember seeing any names of industries on
- 19 the drums?
- 20 A. No.
- 21 Q. Approximately how many drums do you remember seeing out
- 22 there?
- 23 A. 20 maybe.
- 24 Q. Were they all in one location?
- 25 A. More or less.

1 Q. Do you remember whether there was a liquid pond out at
2 the landfill?

3 A. I don't recall, I don't believe there was.

4 Q. Between 1966 and 1978?

5 A. Yes, real sandy soil so it would percolate down if
6 there was any liquid waste.

7 Q. Approximately how many trucks did McGraw Edison use to
8 dispose of their waste at the landfill, do you know?

9 A. I wouldn't know.

10 Q. Does anybody at the city know that information?

11 A. No.

12 Q. That you're aware of?

13 A. (Witness shaking head.) We didn't have anybody
14 stationed at the landfill sites, we don't have that
15 information.

16 Q. Do you know approximately how much material was sent
17 out there from McGraw Edison?

18 A. No.

19 Q. Do you know what sorts of material McGraw Edison
20 generated as part of their waste?

21 A. No.

22 Q. You mentioned TCE. Do you know the full name of TCE?

23 A. I believe it's trichloroethylene.

24 Q. Okay. Is that a waste that was generated by McGraw
25 Edison?

1 A. I don't know, it's a product that they used.

2 Q. Do you know approximately how much they used?

3 A. No, I don't.

4 Q. When you visited the facility, did you ever notice any
5 drums of TCE?

6 A. No.

7 Q. The only use of TCE you know of is through this problem
8 they have with Michigan Department of Natural
9 Resources; is that correct?

10 A. That's right.

11 Q. Are there any other industries that you know of that
12 use the Albion-Sheridan Township Landfill?

13 A. Corning Glass.

14 Q. Do you know what the nature of Corning Glass business
15 is?

16 A. They were baking color TV tubes; I should say black and
17 white television tubes.

18 Q. Okay. Are they still in business?

19 A. No, they're not.

20 Q. What year did they cease to be in operation?

21 A. I don't recall exactly, it's been a few years, maybe 15
22 years ago.

23 Q. Okay. Do you know what type of truck they used to
24 dispose of their material?

25 A. I don't recall.

1 Q. Do you know the type of containers they used to dispose
2 of their material?

3 A. No.

4 Q. Do you know the type of waste they disposed of?

5 A. Well, at times they'd haul out broken pieces of glass;
6 that's the only product I'm aware of.

7 Q. How do you know they hauled out broken pieces of glass?

8 A. I've seen them. I should recall the truck, but I
9 don't.

10 Q. You saw the broken glass or you saw them disposing of
11 it?

12 A. Both.

13 Q. That was out at the landfill?

14 A. Yes.

15 Q. Do you remember when?

16 A. No.

17 Q. The approximate date: sixties, seventies, eighties,?

18 A. Late sixties, I guess.

19 Q. Prior to 1978?

20 A. Yes.

21 Q. Do you remember any other material that was disposed
22 out there by Corning?

23 A. No

24 Q. And by out there, I mean the Albion-Sheridan Township
25 Landfill?

1 A. Right.

2 Q. Was Corning's use of the landfill consistent as far as
3 you know, in other words, were there breaks in the use
4 of that landfill by Corning or did they use it straight
5 through from 1966 to 1978?

6 A. I don't know. I don't know how often they did use it.

7 Q. Okay.

8 A. We don't have any record of how often they dumped or
9 anything.

10 Q. Do you have any personal knowledge of how often they
11 used it?

12 A. No.

13 Q. Do you know what types of material they generated as
14 by-product or as a way stream from the processes of
15 making TV tubes?

16 A. Well, I imagine -- I mentioned the broken glass, that's
17 all I'm aware of, real fine glass particles.

18 Q. Do you remember anybody mentioning to you that Corning
19 Glass used hydrochloric acid?

20 A. No.

21 Q. Do you know whether any other industries used the
22 Albion-Sheridan Township Landfill between 1966 and
23 1978?

24 A. The only one I recall was Albion College, but most of
25 their waste was paper products from the dormitories.

1 They use a state truck.

2 Q. Do you know what kind of containers they used to
3 dispose of their waste?

4 A. A lot of it was loose, loose material.

5 Q. By loose material, you mean they would --

6 A. Not in containers.

7 Q. Just put that material in the state truck?

8 A. Yes.

9 Q. Do you remember whether the -- whether the college
10 disposed of any drums of material?

11 A. I'm not aware of any.

12 Q. Do you remember anybody talking to you about Albion
13 College disposing of any liquids?

14 A. No.

15 Q. Do you know whether there's a laboratory on the --
16 that's a part of the Albion College?

17 A. There is.

18 Q. Do you know what kind of laboratory that is?

19 A. Biology lab, I guess.

20 Q. Did you ever see any trucks out at the landfill from
21 the Albion College?

22 A. A state truck, yes.

23 Q. Do you know whether they used any other trucks?

24 A. I'm not aware of any, no.

25 Q. Do you know approximately how many trucks they have?

- 1 A. Not really.
- 2 Q. Do you know --
- 3 A. Not many. I wouldn't know but one or two, I guess.
- 4 Q. Do you know whether their use of the landfill was
- 5 fairly consistent or were there breaks?
- 6 A. I don't know.
- 7 Q. Do you remember any other industries using the
- 8 Albion-Sheridan Township Landfill?
- 9 A. No.
- 10 Q. Earlier you mentioned that you had talked to somebody
- 11 from our offices regarding this same matter, do you
- 12 remember that conversation?
- 13 A. Not too much, no.
- 14 Q. Do you remember mentioning that Union Steel used that
- 15 landfill to the other employee of EPA that you talked
- 16 to earlier?
- 17 A. (Witness nodding head.)
- 18 Q. Do you remember whether Union Steel used their own
- 19 trucks?
- 20 A. They did, yes.
- 21 Q. What kind of trucks did they use?
- 22 A. I believe they were state trucks.
- 23 Q. State trucks?
- 24 A. State trucks.
- 25 Q. About how many, do you remember?

1 A. No, I don't.

2 Q. Did they have their name on the side?

3 A. Yes.

4 Q. Do you know what kind of material they disposed of out
5 at the site?

6 A. I don't recall.

7 Q. Do you remember seeing any drums of material on a state
8 truck from Union Steel out at the landfill?

9 A. No, I don't.

10 Q. Do you remember -- strike that.

11 You indicated earlier that you saw approximately
12 20 drums out at the landfill, right?

13 A. Yes.

14 Q. Do you remember seeing those drums or any drums on a
15 state truck out at the landfill?

16 A. No.

17 Q. On any truck?

18 A. No.

19 Q. I've got probably another half hour. Do you want to
20 just keep going?

21 A. That's fine.

22 Q. Or take a break?

23 A. That's fine.

24 Q. You mentioned earlier in response to my question about
25 contractors that use the Albion-Sheridan Township

1 Landfill and your first response you began to list some
2 of the industries in the area.

3 I believe one of them was Decker Manufacturing?

4 A. Yes.

5 Q. Do you remember whether Decker used the landfill
6 between 1966 and 1978?

7 A. Not personally, I mean it's the only landfill that's
8 available so I assumed that they did, but I don't
9 recall seeing them out there.

10 Q. You mentioned that you saw trucks out there from some
11 of the companies we just got done talking about.

12 Do you remember see any trucks from Decker
13 Manufacturing out at the landfill?

14 A. No.

15 Q. Do you remember anybody talking to you or mentioning
16 that Decker Manufacturing used the landfill?

17 A. No.

18 Q. So your belief that Decker used the landfill derives
19 from -- only from the fact that Decker is in Albion?

20 A. Right.

21 Q. And that Albion Township Landfill is the only landfill
22 that was used?

23 A. That's right.

24 Q. Do you remember whether any gas stations in the area
25 used the landfill?

- 1 A. I have no knowledge of that.
- 2 Q. Do you know how the gas stations in the area disposed
3 of their used oil between 1966 and 1978?
- 4 A. I don't know.
- 5 Q. Is there anybody at the city that would know that?
- 6 A. We have a couple of distributors in town; you could
7 talk to the owners of those companies, I guess.
- 8 Q. Distributors of oil?
- 9 A. Oil products, gas and oil products.
- 10 Q. Do you know the names of those distributors?
- 11 A. Owens, O-W-E-N-S, Petroleum.
- 12 Q. Are there any others?
- 13 A. Elwood Jacobs was the operator of Sinclair Bulk
14 Station.
- 15 Q. Elwood Jacobs?
- 16 A. He's a local person.
- 17 Q. And could you spell Sinclair, please?
- 18 A. Sinclair Oil is S-I-N-C-L-A-I-R.
- 19 Q. Are there any others?
- 20 A. Those are the two major ones.
- 21 Q. Are there any minor ones?
- 22 A. Just the service stations.
- 23 Q. The local service stations?
- 24 A. Yep.
- 25 Q. Can you think of any other industries that you can

1 remember specifically that used the Albion-Sheridan
2 Township Landfill?

3 A. Not definitely. There were other industries around at
4 that time that may have used it.

5 Q. If I read you a list of some of the industries, would
6 that help you out at all?

7 A. Not really. Because I don't recall who used it and who
8 didn't, back that far. I could assume that they did.

9 Q. Again, just because they're located in Albion?

10 A. Right.

11 Q. So the only ones that you know of that used it were the
12 ones that you saw their trucks out there?

13 A. Yes.

14 Q. And that was basically the ones we talked about
15 earlier?

16 A. Yes.

17 MR. DENTON: Could we go off the record a minute?

18 MR. LINDLAND: Sure.

19 (Off-the-record discussion)

20 Q. (BY MR. LINDLAND) I'm going to read off some names of
21 some companies in town that I believe have been around
22 for awhile that are known generators of hazardous
23 waste. If you could just tell me whether you remember
24 seeing their trucks out at the landfill or hearing
25 anybody talk to you about these companies using the

1 landfill. You can just indicate yes or no.

2 A. If I don't recall, I just say no?

3 Q. If you don't recall, right, just say no that you don't
4 recall.

5 Guardian Fiberglass?

6 A. No.

7 Q. Pickens Plating?

8 A. No.

9 Q. Sheridan Industries?

10 A. No.

11 Q. The Albion Armory?

12 A. No.

13 Q. Is the Albion Armory still around?

14 A. Yes.

15 Q. Surfinco, Inc?

16 A. No.

17 Q. Consumers Power Company?

18 A. No.

19 Q. Calhoun County Road Commission?

20 A. No.

21 Q. I believe it's Emro Marketing?

22 A. No.

23 Q. Advanced Paving, Inc?

24 A. No. Some of these weren't around when the dump
25 existed.

- 1 Q. They weren't?
- 2 A. I don't believe so.
- 3 Q. Was Advanced Paving around then?
- 4 A. I don't think so. Surfinco wasn't.
- 5 Q. Was not?
- 6 A. No.
- 7 Q. What about Guardian?
- 8 A. They took over for Corning. I'm not sure when they
- 9 started up.
- 10 Q. What about, let's see, Pickens Plating?
- 11 A. They were around.
- 12 Q. Albion Armory?
- 13 A. They were around.
- 14 Q. Surfinco you said was not?
- 15 A. No.
- 16 Q. Consumers Power Company?
- 17 A. They were around.
- 18 Q. Calhoun County Road Commission?
- 19 A. They were around.
- 20 Q. Emro Marketing?
- 21 A. I'm not acquainted with them.
- 22 Q. Advanced Paving?
- 23 A. I don't believe they were around.
- 24 Q. If you could indicate now first whether they used the
- 25 landfill that you remember and, secondly, whether they

- 1 were around or not?
- 2 A. Okay. You mean at the time the dump was open?
- 3 Q. Right. I believe it's Airco Inc. Industrial?
- 4 A. I don't recall them being at the landfill. And I think
- 5 they were around, but they're not around now.
- 6 Q. How about Cleaner World Dry Cleaners?
- 7 A. They were around, and they still are.
- 8 Q. Do you remember whether they used the landfill or not?
- 9 A. I wouldn't know.
- 10 Q. Brown Weld Service?
- 11 A. I don't recall them using it, they were around, I
- 12 believe they're closed now.
- 13 Q. One Hour Martinizing?
- 14 A. I believe they were around, I don't recall them being
- 15 there, they were around and still are.
- 16 Q. Okay. Michigan Bell?
- 17 A. I don't recall them using it. They were around and
- 18 still are.
- 19 Q. Wes's Automotive Service?
- 20 A. I don't recall them using the landfill. They were
- 21 around and still are.
- 22 Q. Dowding Tool Products?
- 23 A. I don't know much about that company.
- 24 Q. Were they around?
- 25 A. I don't recall.

1 Q. Bob Frahm's Chevrolet?

2 A. I don't recall them using the site, and they were
3 around and still are.

4 Q. Albion Public Schools?

5 A. Same.

6 Q. You don't remember them using it, but they are around
7 or were around?

8 A. Yes, and still are.

9 Q. Hayes-Albion Corporation?

10 A. I don't recall them using the landfill, and they're
11 still around.

12 Q. And they were around?

13 A. Yes.

14 A. Chances are they did use it; they were a big industry.

15 Q. Hayes-Albion is now Harvard Industries; is that
16 correct?

17 A. Yes.

18 Q. McGraw Edison?

19 A. We talked about that.

20 Q. Household International?

21 A. I'm not acquainted with that company.

22 Q. Reed Plastics?

23 A. I don't recall them using the landfill, and I don't
24 know whether they existed at that time.

25 Q. Are they around now?

1 A. Yes.

2 Q. Okay. Do you recall any of the employee's names out at
3 the landfill?

4 A. Well, I know the owner, Gordon Stevick.

5 Q. Is there anyone else that you recall?

6 A. Not names, no. He has a caretaker there that
7 supervised the operation.

8 Q. Do you remember what his name was?

9 A. No, he was old then so --

10 Q. May not be here?

11 A. I don't know.

12 Q. Do you remember any of the names of the truckdrivers or
13 anyone else who used the landfill?

14 A. No, I don't.

15 Q. Did you talk to any of the truckdrivers from some of
16 the industries that used the landfill?

17 A. No.

18 Q. Is there anything else you'd like to say with respect
19 to this matter, anything else you can remember about
20 the landfill, and who used it, and what material they
21 might have used?

22 A. No, a lot of private contractors used it but mostly
23 building materials, items like that.

24 Q. By private contractors, you mean disposal contractors
25 as well as building contractors or --

1 A. I'm referring to building contractors. When you tear
2 down a home or something or tear up some concrete, they
3 would take it out there.

4 Q. And what kind of material would they dispose of
5 generally?

6 A. Broken concrete and wood products, boards, maybe
7 roofing, roofing materials.

8 Q. Do you know whether the industries, for example, you
9 mentioned, I believe, it was McGraw that they tore down
10 part of their building and do you know whether they
11 used the landfill to dispose of that material?

12 A. I don't know, I think the landfill was closed before
13 they demolished McGraw Edison.

14 Q. Can you remember whether any of the industries that we
15 talked about today, previously to the list that I read
16 off, whether they did any demolition work at their
17 facility and disposed of that material at the landfill?

18 A. I'm not aware of any.

19 Q. Are you aware of any construction projects, large
20 construction projects at any of those industries
21 between 1966 and 1978?

22 A. No.

23 MR. LINDLAND: Okay, I have no further questions.

24 MR. DENTON: Let me just ask a couple follow ups
25 if I might, please.

1 EXAMINATION BY MR. DENTON:

2 Q. You talked about the drums that you saw out at the
3 landfill. What size were those?

4 A. 55 gallon barrels, steel barrels.

5 Q. What condition were they in?

6 A. Various conditions, most of them were in fairly good
7 condition.

8 Q. What color were they?

9 A. I recall mostly blue, blue color. Some had black paint
10 or no paint.

11 Q. Did they have tops and, you know, the bunk holes intact
12 or were they opened, do you remember?

13 A. Both types.

14 Q. Do you remember seeing any discoloration of the ground
15 around those barrels?

16 A. I don't recall.

17 Q. Do you recall any odor associated with the barrels?

18 A. Well, seems like the soil was oily around the barrels.

19 Q. Was there any sort of smell at all that you can
20 remember, any sort?

21 A. Oil smelled.

22 Q. Do you remember anybody in town that you remember
23 having seen with blue barrels?

24 A. No, I don't.

25 Q. Dark blue or light blue?

1 A. A bright blue.

2 Q. Okay. Any markings at all on them?

3 A. Well, I think they had some white lettering, small
4 lettering. I didn't ever read it or anything or notice
5 what it said.

6 Q. Numbers or letters?

7 A. Both.

8 Q. Any other labeling on them at all?

9 A. I don't recall.

10 Q. How about the black barrels, anything about those?

11 A. No.

12 Q. No lettering or numbering, as far as you remember?

13 A. Right.

14 Q. A couple other names of companies just to see if you
15 have any recollection.

16 Was Brooks Foundry around then?

17 A. Yes.

18 Q. Do you have any knowledge of any disposal by Brooks
19 Foundry at the site?

20 A. No, I don't.

21 Q. Albion Elevator Company?

22 A. They were around and they still are around.

23 Q. Any knowledge of disposal by them at the landfill?

24 A. No.

25 Q. Albion Industries Division of King Seely?

- 1 A. They were around, and they still are.
- 2 Q. Any knowledge of disposal by them?
- 3 A. No.
- 4 Q. Albion Machine and Tool Company?
- 5 A. They were around, and they still are.
- 6 Q. Any knowledge of disposal at the landfill?
- 7 A. No.
- 8 Q. Albion Pattern Company?
- 9 A. They were around, and I believe they've been sold. I'm
- 10 not aware of any waste that they dumped out there.
- 11 Q. American Collide, were they around at that time?
- 12 A. I'm not sure. They are right now; I'm not aware of any
- 13 waste that they took out there.
- 14 Q. Artery Craft Press?
- 15 A. They were around, and they still are, and I'm not aware
- 16 of any waste they took out to the landfill site.
- 17 Q. Do you have any knowledge as to whether or not they
- 18 generated any liquids or hazardous materials?
- 19 A. That company is all paper products, unless they have
- 20 ink or something like that.
- 21 Q. Divco, Incorporated?
- 22 A. I'm not acquainted with that company.
- 23 Q. Okay. H and S Service?
- 24 A. I don't recall that company.
- 25 Q. And did we talk about Ideal Castings?

1 A. They were around at that time. They've closed up
2 since. I'm not aware of any waste that they took to
3 the landfill site.

4 Q. Gray Iron Foundry?

5 A. Yes.

6 Q. Are you aware of any disposal at their site, any
7 problems at the former Ideal Casting site that you're
8 aware of?

9 A. Not definitely, no.

10 Q. And I mean environmental problems just in case that
11 wasn't clear, okay?

12 A. Some of these industries are located in Sheridan
13 Township.

14 Q. Pyramid Pattern, are you familiar with them?

15 A. Yes. They were around at the time, and they're around
16 now, and I doubt that they've taken anything out to the
17 landfill site.

18 Q. Explain to me what sort of waste they might have
19 generated.

20 A. A pattern company would be wood products, I guess, wood
21 patterns or whatever that they make.

22 Q. How about Steel Pattern and Manufacturing, any
23 knowledge of them?

24 A. No, I don't.

25 Q. Would you expect that industries from the Homer area

1 might have used this Sheridan Township Landfill?

2 A. I don't believe they did.

3 Q. Was there another landfill in that area, or that's just
4 too far away, or what's the basis for that?

5 A. Well, when we talked to Mr. Stevick, I think the area
6 included Concord and Parma, Albion Township and
7 Sheridan Township, and the City of Albion.

8 If they did come over from Homer, the contractor,
9 Mr. Stevick, would have charged them extra for it. So
10 it's possible.

11 Q. What about Parma Manufacturing?

12 A. I'm not aware with them.

13 Q. Triple E Manufacturing?

14 A. No.

15 Q. Universal Vice and Tool Company?

16 A. No.

17 Q. Whirley Bird Manufacturing?

18 A. No.

19 Q. Blue Surf, Incorporated?

20 A. No. I've heard of them.

21 Q. Lee Printing and Graphics?

22 A. No.

23 Q. Minder Machine Company?

24 A. No.

25 Q. Over in Concord there are a couple of industries.

1 Beissel Metal Fabricating?

2 A. I don't know anything about them.

3 Q. Concord Manufacturing?

4 A. No.

5 Q. Quality Production?

6 A. No.

7 MR. DENTON: Thanks, that's all I have.

8 RE-EXAMINATION BY MR. LINDLAND:

9 Q. Actually, I've got a few more questions.

10 You mentioned that there was some blue and black
11 drums. Do you remember approximately how many of each
12 color there was beginning with blue?

13 A. Not really.

14 Q. Do you remember where in the landfill they were
15 located? I'm assuming you're entering from Erie
16 Street, was
17 it --

18 A. More or less the center of the landfill.

19 Q. Okay, approximately how many yards from Erie Street in,
20 would you say?

21 A. A couple hundred yards.

22 Q. And what was the date approximately that you saw those,
23 if you can remember?

24 A. I wouldn't know.

25 Q. Was it --

- 1 A. Be late sixties, I guess.
- 2 Q. Okay, I've got a couple more, a few more local
- 3 industries, if you could just indicate whether they
- 4 were around then and whether they're still around.
- 5 A. Okay.
- 6 Q. More or less to save some leg work.
- 7 Albion Ford Mercury?
- 8 A. Yes and yes.
- 9 Q. I guess if you just say yes that indicates -- no, stick
- 10 with the original.
- 11 Albion Radiator Service?
- 12 A. Yes and yes. As far as I can recall I mean.
- 13 Q. Bilkey Olds?
- 14 A. Yes and yes.
- 15 Q. Bundy Mechanical?
- 16 A. I'm not acquainted with them, better put a question
- 17 mark then.
- 18 Q. 201 North Ionia.
- 19 A. Better put a question mark.
- 20 Q. Clark Oil.
- 21 A. Question mark and question.
- 22 Q. Ed Neeko Bodyshop?
- 23 A. Yes, with a question mark, I think he's still open.
- 24 Q. 406 West Ash. Evans Bodyshop?
- 25 A. Put a question mark on that one.

- 1 Q. Hanes Auto Sales?
- 2 A. Yes and yes.
- 3 Q. Harrison's Car Care?
- 4 A. Yes and yes.
- 5 A. What's the address of that?
- 6 Q. Harrisons?
- 7 A. Uh-huh.
- 8 Q. 1512 North Eaton.
- 9 Q. Jim's Auto Service?
- 10 A. I'd say no and yes.
- 11 Q. Kinzy Automotive Center.
- 12 A. Question mark.
- 13 Q. It's at 110 East Michigan. Mell's Auto Sales?
- 14 A. Question mark.
- 15 Q. Ray Zicks Bodyshop?
- 16 A. Yes and yes.
- 17 Q. Thompson's Brake and Front End Service?
- 18 A. Yes and yes.
- 19 Q. Wolf's Auto Repair?
- 20 A. No and yes.
- 21 Q. Zeffer's Service Station?
- 22 A. What's the address of that?
- 23 Q. 1501 North Eaton.
- 24 A. It's a different company now.
- 25 Q. It's a different company now. What's the name of it

1 now?

2 A. I don't recall.

3 Q. Do you know whether it's the same owners and they
4 changed name or a whole new owner?

5 A. I'm not sure; it's the same location. And I don't
6 think they were around before but they are now.

7 Q. Do you know a gentleman by the name of Terrance B.
8 Daweird (phonetic)?

9 A. Yes.

10 Q. Is he still employed by Decker Manufacturing?

11 A. Yes.

12 Q. Do you know whether Waste Management of Battle Creek
13 employed any employees from Albion, what is it,
14 Sanitary Services?

15 A. Not really, they bought them out, I think.

16 Q. Waste Management bought them out?

17 A. Yeah, they bought Sheffield out, I think. The old man
18 Sheffield, I think, past away. But I think the son is
19 still around someplace.

20 Q. Do you remember what Mr. Sheffield's name is, his first
21 name?

22 A. The old man, Carl.

23 Q. I guess his son?

24 A. No, I don't.

25 Q. Was the son running Albion Sanitary Services after his

1 dad died?

2 A. (Witness nodding head.) Yes.

3 Q. How long was he running it?

4 A. I don't recall. During the time the landfill was open
5 it was run by his father or maybe both of them.

6 Q. I've got Richard Sheffield, does that sound familiar?

7 A. Yes.

8 Q. Do you know an individual by the name of Oral Ripley?

9 A. No, I don't.

10 Q. What about Robert Foo?

11 A. I don't recall the name.

12 MR. LINDLAND: Okay. I have no further questions.

13 MR. DENTON: Nothing further.

14 (Deposition concluded around 11:45 a.m.)

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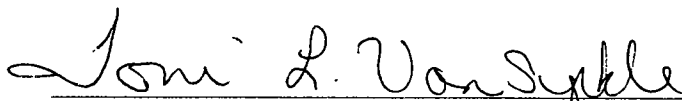
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1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF JACKSON)

4 I, Toni L. VanSyckle, a Notary Public in and
5 for the above county and state do hereby certify that the
6 deposition of WILLIAM RIEGER, was taken before me at the
7 time and place hereinbefore set forth; that the witness was
8 by me first duly sworn to testify to the truth, the whole
9 truth and nothing but the truth; that thereupon the
10 foregoing questions were asked and foregoing answers made by
11 the witness which were duly recorded by me stenographically
12 and later transcribed by means of computer-aided
13 transcription, and I certify that this is a true and correct
14 transcript of my stenographic notes so taken.

15 I further certify that the signature to and
16 the reading of the deposition was not requested by the
17 witness nor by Counsel for the respective parties hereto;
18 also, that I am not of Counsel to either party nor
19 interested in the event of this cause.

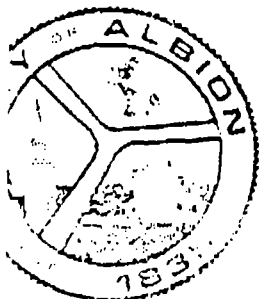
20
21 
22 Notary Public, Jackson County, Michigan
23

24 My commission expires March 14, 1994.

25 ACRO COURT REPORTERS (800) 878-ACRO
ANN ARBOR (313) 930-4930
JACKSON (517) 787-4472

IOA - EPA ANSWERS

Dep.	
Exb. No.	1
Date	6-3-92
Reporter	TLV



City of Albion

112 West Cass Street • Albion, Michigan 49224 - 1798
(517) 629-5535

October 24, 1988

Ms. Nancy Justus
Superfund Program Management Branch 545-11
U.S. - EPA
230 South Dearborn Street
Chicago, Illinois 60604

Re: Response to Albion-Sheridan Township Landfill
Inquiry

Dear Ms. Justus:

The following are the responses from the City of Albion, Michigan, to the EPA inquiry regarding the Albion-Sheridan Township Landfill site located in Calhoun County, Michigan. The inquiry was received by the City of Albion on September 26, 1988.

1. Identify the person(s) answering these Questions on behalf of Respondent.

ANSWER:

William L. Rieger, Director of Public Works and Acting City Manager and Donald Hull, Street Superintendent, employed 1981 to present.

2. For each and every question below, identify all persons consulted in the preparation of the answer.

3. For each and every Question below, identify all documents consulted, examined, or referred to in the preparation of the answer and provide true and accurate copies of all such documents.

4. List the EPA Identification Numbers of the Respondent.

Ms. Nancy Justus
Page Two
October 24, 1988

5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

ANSWER:

Marc R. Puckett, City Treasurer, Finance Director and Clerk. His knowledge would be limited to records of the City concerning insurance coverage for the periods of years requested.

6. Identify the acts or omissions of any persons, other than your employees contractors, or agents, that may have caused the release or threat of release of hazardous substances at the Site and damages relating therefrom and identify such persons.

ANSWER:

None known.

7. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, transportation, treatment, disposal or other handling of hazardous substances at the Site.

ANSWER:

William L. Rieger, Director of Public Works and Acting City Manager and Donald Hull, Street Superintendent, employed 1981 to present.

8. Did you ever use, purchase, generate, store, treat, dispose, transport or otherwise handle any hazardous substances at the Site? If the answer to the preceding question is anything but an unqualified "no," identify:

ANSWER:

No.

- a. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance.
- b. The persons who supplied you with each such hazardous substance disposed of otherwise handled by you.

Ms. Nancy Justus
Page Three
October 24, 1988

- c. How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
- d. When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
- e. Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.
- f. The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed of or otherwise handled by you.

9. Identify all leaks, spills or releases of any kind into the environment of any hazardous substances that have occurred at the Site, in addition, identify:

ANSWER:

We are not aware of any.

- a. When such releases occurred.
- b. How the releases occurred.
- c. What hazardous substances were released.
- d. What amount of each hazardous substance was so released.
- e. Where such releases occurred.
- f. Any and all activities undertaken in response to each such release or to threatened releases of hazardous substances at the Site.
- g. Any and all investigations of the circumstances, nature extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.

Ms. Nancy Justus
Page Four
October 24, 1988

- h. All persons with information relating to these releases.

10. Have you or any other person ever accepted hazardous substances for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:

ANSWER:

Not that we are aware of. The City of Albion had an annual "curbside" pickup program where City residents could dispose of their household trash, excluding garbage and hazardous materials - such as paint, etc. It took City crews about two weeks to clean up the waste placed at curbside. The trash was hauled to the dumpsite on City trucks. We don't believe we hauled any "hazardous" waste to the landfill site - but if we did, it would be very minimal. The City annual pickup program was done each year that the landfill site was open for use. All debris hauled to the landfill site was dumped at a location determined by the operator of the landfill site. All material hauled to the dump site during this program was disposed of as all other waste was disposed of.

- a. The persons from whom you or such other persons accepted hazardous substances for transport.
- b. Every date on which hazardous substances were so accepted or transported.
- c. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance.
- d. The owner of the hazardous substances so accepted or transported.
- e. The quantity of the hazardous substance involved (weight or volume) in each transaction and the total quantity for all transactions.
- f. All tests or analyses and analytical results concerning each hazardous substance.

Ms. Nancy Justus
Page Five
October 24, 1988

- g. The precise locations to which each hazardous substance actually was transported.
 - h. The person(s) who selected the Site as the place to which hazardous substances were to be transported.
 - i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received.
 - j. Where the person identified in (i), above, intended to have such hazardous substances transported and all evidence of this intent.
 - k. Whether the hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal.
 - l. What was done to the hazardous substances once they were brought to the Site.
 - m. The final disposition of each of the hazardous substances involved in such transactions.
 - n. The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the hazardous substance involved in each transaction.
 - o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.
11. Identify all persons, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous substances at or to the Site, In addition, identify:

ANSWER:

No such arrangements were made.

Ms. Nancy Justus
Page Six
October 24, 1988

- a. The persons with whom you or such other persons made such arrangements.
- b. Every date on which such arrangements took place.
- c. For each transaction, the nature of the hazardous substance including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance.
- d. The owner of the hazardous substances so disposed or treated.
- e. The quantity of the hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions.
- f. All tests or analyses and analytical results concerning each hazardous substance.
- g. The precise locations at which each hazardous substance actually was disposed or treated.
- h. The person(s) who selected the Site as the place at which hazardous substances were to be disposed or treated.
- i. The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received.
- j. Where the person identified in (i) above, intended to have such hazardous substances treated or disposed and all evidence of this intent.
- k. Whether the hazardous substances involved in each transaction were transshipped through, or were stored or held at any intermediate site prior to final treatment or disposal.
- l. What was done to the hazardous substances once they were brought to the Site.

Ms. Nancy Justus
Page Seven
October 24, 1988

- m. The final disposition of each of the hazardous substances involved in such transactions.
- n. The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the hazardous substance involved in each transaction.
- o. The type and number of containers in which the hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site and all markings on such containers.

12. Identify all liability insurance policies held by Respondent from 1966 to 1982. In identifying such policies, state:

ANSWER:

City Clerk is searching the files for such documents.

- a. The name and address of each insurer and of the insured;
- b. The amount of coverage under each policy;
- c. The commencement and expiration dates for each policy;
- d. Whether or not the policy contains a "pollution exclusion" clause; and
- e. Whether or not the policy covers sudden, nonsudden or both types of accidents.

AFFIDAVIT

We hereby certify that the above responses is all that we specifically know about the operations, hazardous substance use, storage, treatment, disposal or other handling operations of hazardous waste from or by the City of Albion; that there has been a diligent interviewing process with present and former operations, and that we have made a diligent search of our records to find information relating to the EPA inquiry.

Ms. Nancy Justus
Page Eight
October 24, 1988

Signed:

William L. Rieger
William L. Rieger

Donald Hull
Donald Hull

Subscribed and sworn to before
me this 24th day of October, 1988.

Diana L. Holmes
Diana L. Holmes, Notary Public
Calhoun County, Michigan
My Commission Expires: 5/8/89